

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Star Insurance Company,)	
)	
Plaintiff,)	ORDER GRANTING APPLICATION
)	FOR ORDER NUNC PRO TUNC;
vs.)	AMENDING ORDER RE BRIEFING
)	SCHEDULE (DOC. NO. 182)
Continental Resources, Inc., Cyclone)	
Drilling, Inc., Plaster & Wald Consulting)	
Corp., M-I, LLC, Zurich American)	
Insurance Company, National Union Fire)	
Insurance Company of Pittsburgh, PA,)	
Travelers Property Casualty Company of)	
America, and Torus Specialty Insurance)	Case No. 4:12-cv-121
Company,)	
)	
Defendants.)	

Before the court is motion titled “Application for Order Nunc Pro Tunc” filed by defendant Continental Resources, Inc., on April 17, 2014. Continental requests that the court issue an Order Nunc Pro Tunc clarifying which issues will not be resolved by the briefing ordered in the Order re Briefing Schedule (Docket No. 182) filed March 21, 2014. Continental states that in addition to its counterclaim for bad faith referenced in the order, its counterclaims for fraud/deceit and constructive fraud/negligent misrepresentation will remain in dispute.

The court **GRANTS** the motion (Docket No. 195) and **ORDERS** Docket No. 182 **AMENDED** as follows:

On January 23, 2014, the court issued an order granting: (1) Motions for Partial Summary Judgment filed by Defendants Continental Resources, Inc. and Torus Specialty Insurance; and (2) partial summary judgment as to issues framed in its April 19, 2013, order.

On March 21, 2014, the court held a conference with the parties by telephone to discuss the status of this case. Based upon its discussions with the parties, the court concluded that, before engaging in any discovery, the parties should attempt to resolve by motion those issues where there are no material facts in dispute. Consequently, the court **ORDERS** that the parties shall adhere to the following briefing schedule for resolving all remaining claims with the exception of Continental's counterclaims for bad faith, *fraud/deceit, and constructive fraud/negligent misrepresentation*:

- (1) The parties shall file their motions and supporting briefs with the court by July 1, 2014;
- (2) the opposing parties shall have until August 1, 2014, to file responses to these motions; and
- (3) replies to the opposing parties' responses shall be filed on or before August 20, 2014.

Discovery shall be stayed until the court has ruled on all of the motions to be filed.

IT IS SO ORDERED

Dated this 18th day of April, 2014.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr.
United States Magistrate Judge